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## **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*Group:* 3731

*Confirmation No.:* 5422

*Application No.:* 10/758,372

*Invention:* SOFT TISSUE LOCKING DEVICE

*Applicant:* Herbert E. Schwartz, et al.

*Filed:* January 15, 2004

*Attorney*

*Docket:* 26502-73682

*Examiner:* Julian W. Woo

**ELECTRONICALLY  
SUBMITTED:  
FEBRUARY 6, 2007**

### TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

MAIL STOP Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Ethicon, Inc. is the assignee of the entire right, title, and interest in and to the present application identified above (i.e., U.S. Application Serial No. 10/758,372) by virtue of a first assignment by inventors Herbert E. Schwartz, Thomas C. May, Stuart Fromm, Robert-Jan Enzerink, Eric Hubbard, John Margetts, Keith Denlinger, and David Cox to DePuy Orthopaedics, Inc. recorded in the United States Patent and Trademark Office (USPTO) on April 13, 2000, on reel 010714 at frame 0182 and a second assignment by DePuy Orthopaedics, Inc. to Ethicon, Inc. recorded in the USPTO on August 6, 2001, on reel 12043 at frame 0647.

Ethicon, Inc. is the assignee of the entire right, title, and interest in and to U.S. Patent No. 6,306,159 by virtue of a first assignment by inventors Herbert E. Schwartz, Thomas C. May, Stuart Fromm, Robert-Jan Enzerink, Eric Hubbard, John Margetts, Keith Denlinger, and David Cox to DePuy Orthopaedics, Inc. recorded in the USPTO on February 7, 2000 on reel 010605 at frame 0462 and a second assignment by DePuy Orthopaedics, Inc. to Ethicon, Inc. recorded in the USPTO

on September 4, 2001 on reel 012136 at frame 0834. Accordingly, the U.S. Patent Application Serial No. 10/758,372 and U.S. Patent No. 6,306,159 are each owned by Ethicon, Inc.

The undersigned attorney is an attorney of record for Ethicon, Inc. in the present application, and she has reviewed the documents evidencing title as represented above and certifies to the best of her knowledge and belief that title is as represented.

Ethicon, Inc. hereby disclaims the terminal part of any patent granted on U.S. Patent Application Serial No. 10/758,372 which would extend beyond the expiration date of the full statutory term, as defined in 35 U.S.C. § 154 to 156 and 173, as is presently shortened by any terminal disclaimer, of U.S. Patent No. 6,306,159.

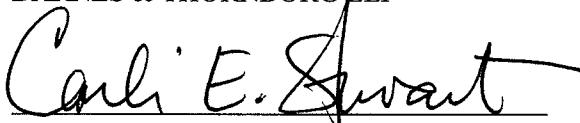
Ethicon, Inc. hereby acknowledges that any patent so granted on U.S. Patent Application Serial No. 10/758,372 shall be enforceable only for and during such period that legal title to it and U.S. Patent No. 6,306,159 are commonly owned. This agreement runs with any patent granted on U.S. Application Serial No. 10/758,372 and is binding upon the grantee, its successors, or assigns.

The assignee does not disclaim the terminal part of any patent granted on U.S. Patent Application Serial No. 10/758,372 that would extend past the expiration date of the full statutory term of U.S. Patent No. 6,306,159, in the event that U.S. Patent No. 6,306,159 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Commissioner is hereby authorized to charge the fee for filing this Terminal Disclaimer, to the account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to file 26502-73682. Further, it is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that any shortages and other fees be charged, or any overpayment in fees be credited, to the account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to file 26502-73682.

Respectfully submitted,

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